

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

VS.

ARTURO W. TORRES,

Defendant.

8:13CR26

ORDER

This matter is before the court on the motion to continue by government's counsel due to the unavailability of a key government witness (Filing No. 58). Government's counsel represents that counsel for Torres has no objection to the motion. Upon consideration, the motion will be granted.

IT IS ORDERED:

1. The motion to continue trial (Filing No. 58) is granted.
2. Trial of this matter is re-scheduled for **March 24, 2014**, before Judge Joseph F. Bataillon and a jury. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **January 31, 2014, and March 24, 2014**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason counsel require additional time to adequately prepare the case and the unavailability of an essential witness. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. §§ 3161(h)(3)(A) and (7)(A) & (B).

DATED this 31st day of January, 2014.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge